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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) AX-001-US	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] ^{facsimile transmitted} on <u>8/24/2005</u> Signature <u>[Signature]</u> Typed or printed name <u>Mitchell S. Rosenfeld</u>		Application Number <u>09/750,494</u>	Filed <u>12/27/2000</u>
		First Named Inventor <u>Friedman</u>	
		Art Unit <u>3624</u>	Examiner <u>Hamilton, Lalita M.</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>36,258</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		Signature <u>Mitchell S. Rosenfeld</u> Typed or printed name <u>415/928-3853</u> Telephone number <u>8/24/2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below*.			
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 24 2005

Attorney Docket No. AX-001-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: FRIEDMAN ET AL

APPLICATION No.: 09/750,494

FILED: 12/27/2000

FOR: TELECOMMUNICATIONS COST
MANAGEMENT SYSTEM

EXAMINER: HAMILTON, LALITA M.

ART UNIT: 3624

CONFIRMATION No: 6960

PRE-APPEAL BRIEF REVIEW REQUEST ARGUMENTS

Claims 1-13 are currently pending, all of which have been rejected under 35 U.S.C. §102(e) as being anticipated by Mason (US 2001/0051918). In Applicants' Amendment dated March 17, 2005, claims 1, 4, and 9 were amended to more clearly point out and distinctly claim the relationship between the vendor and consumer. As explained in the Amendment, Mason does not teach the relationship as recited in any of the claims of the present application. As such, several elements of the claims are not present in the Mason reference.

In particular, Mason fails to teach or suggest data input means for receiving the telecommunications bills ***provided from a vendor to a consumer*** or transmitting the deprovision requests and the billing disputes ***to the vendor*** as recited in claim 1. Further, Mason fails to teach or suggest extracting data ***corresponding to billing item components, billing item rates and billing item quantities*** from the telecommunication bills as recited in claims 4 and 9. Finally, Mason fails to teach or suggest determining erroneous billing item rates in the telecommunication bills by comparing the billing item rates in the telecommunication bills to rate data ***representative of rates that should have been charged to the consumer*** as recited in claim 4.

In sum, Mason, as described in figure 2 (element 318) and paragraphs 29-31, relates to ***internal auditing by an e-billing company where an online invoice is compared to the original paper invoice***. Mason fails to teach or suggest the relationship

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between the telecommunications consumer and vendor where information possessed by the consumer is used to analyze bills as recited in the claims as currently presented.

In responding to Applicants' Amendment, the Examiner simply repeated the factual allegations stated in the rejection and cited the same portions of the Mason reference. (See Office Action of June 6, 2005 at p. 3) A review of the cited portions of the Mason reference reveals that Mason does not teach the relationship between the vendor and consumer.

Applicants respectfully asserts that this is not an issue of interpretation of the Mason reference or the scope of the claims. Rather the Examiner has failed to demonstrate that all of the recited claim elements are present in the Mason reference. As such, Applicants request withdrawal of the rejection and issuance of a notice of allowance.

Respectfully submitted,

DATE: August 24, 2005

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